

CALIFORNIA ENERGY COMMISSION

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May 17, 2005

DOCKET
04-IEP-1D
DATE MAY 17 2005
RECD. MAY 19 2005

Les Guliassi
Pacific Gas and Electric Company
P.O. Box 770000
San Francisco, CA 94177

Dear Mr. Guliassi:

Re: Application for Designation of Confidentiality for Electricity Supply Forecast
Data, Docket No. 04-IEP-1D

On April 13, 2005, Pacific Gas and Electric Company (PG&E) filed QF (Qualifying Facilities)/Wind Hourly Data Forms S-1, S-2 and S-3 for use in the Energy Commission's 2005 Energy Report proceedings. In addition, on April 21, 2005, PG&E provided cost information for the resource plan scenarios in Attachments A, B and C. PG&E also provided cost information in Attachment E. As part of that filing, PG&E is seeking a designation of confidentiality for the above-referenced forms.

PG&E in its application for confidentiality (application) requested the following information be kept confidential as follows:

- Historic QF generation for 2003 and 2004 be kept confidential until 2016 or the end of the contracts, whichever is later.
- All of Form S-1 (monthly capacity of resources at a detailed level), all of Form S-2 (monthly energy of resources at a detailed level) and all of Form S-3 be kept confidential in their entirety for a period of three years for each of the three scenarios submitted: (1) PG&E Preferred Resource Plan, (2) CEC Core/Non-Core Plan, and (3) CEC Accelerated Renewable Plan. PG&E stated that this request is consistent with the confidentiality designation provided to the Supply forms S-1, S-2 and S-3 that PG&E developed for the Energy Commission IEPR (Integrated Energy Resource Plan) Reference Case Resource Plan provided to the Energy Commission on March 1, 2005, which were approved by the Acting Executive Director in his March 30, 2005, letter to PG&E.
- Attachment E, Table 1: Resource Plan Generation Costs. PG&E seeks confidential designation for the entire table summarizing generation costs for the various scenarios for three years.
- Attachment E, Table 2: Average Annual Gas Price. PG&E seeks confidential designation for gas price numeric and graphic forecast information for the first three years of the forecast period, 2006 through 2008.

- Attachment E, Table 3: Average Annual Electricity Price. PG&E seeks confidential designation for electricity price numeric and graphic forecast information for the first three years of the forecast period, 2006 through 2008.
- Attachment E, Table 4: Annual Generation Revenue Requirement. PG&E seeks confidential designation for the entire table for three years.

The California Public Records Act allows for non-disclosure of trade secrets [Gov. Code, § 6254(k), Evid. Code, § 1060]. The California courts have traditionally used the following definition of trade secret:

"A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it..." [Uribe v. Howie (1971) 19 Cal.App.3d 194, 207-208, 96 Cal. Rptr. 493, 500-501, from the Restatement of Torts, vol. 4, sec. 757, comment b, p. 5.]

PG&E's application of April 13, 2005, makes a reasonable claim under the Energy Commission's regulation for classifying some of the information contained in your application as confidential, since it could provide your competitors with a competitive advantage if made public [Gov. Code, § 6254(k); Cal. Code Regs., tit. 20, § 2505]. Accordingly, confidentiality will be granted as follows:

- Historic QF project-specific generation for 2003 and 2004 greater than 10 megawatts has been granted confidentiality until 2016 or the end of the contracts, whichever is later. Confidentiality is denied for the aggregated information on contracts under 10 megawatts.
- Forms S-1 (monthly capacity of resources at a detailed level), S-2 (monthly energy and resources at a detailed level), and S-3 have been granted confidentiality until the end of 2008.
- PG&E's Electricity Supply Forms for resource planning scenarios have been granted confidentiality until the end of 2008 as follows:
 - Attachment A, PG&E Preferred Resource Plan, CEC Forms S-1 and S-2.
 - Attachment B, CEC Core/Non-Core Plan, Forms S-1 and S-2.
 - Attachment C, CEC Accelerated Renewable Plan, Forms S-1, S-2 and S-3.
 - Attachment E, Table 2. PG&E's gas price numeric and graphic forecast information for the forecast period of 2006 through 2008 has been granted confidentiality until the end of 2008.

Confidentiality has been denied for the following:

- Attachment E, Table 1: Resource Plan Generation Costs. Confidentiality is denied because at this very aggregated level this comparison is not revealing any trade secrets.
- Attachment E, Table 4: Annual Generation Revenue Requirement. Confidentiality is denied because projections of aggregated generation revenue requirements are not revealing any trade secrets.
- For aggregated QF information on contracts under 10 megawatts because no contract specific data is being reported and thus no trade secrets are involved.

Confidentiality not requested but sensitive information.

- Attachment D, PG&E's CAISO Controlled PG&E Transmission 2005-2014 Expansion Plan, dated December 17, 2004. The CAISO Controlled PG&E Transmission 2005-2014 Expansion Plan is PG&E's 2004 Grid Plan which has been previously distributed to stakeholders and is publicly available. The Energy Commission recognizes the sensitivity of some items within this report and will keep the submittal off the website and make it available only upon request. The Energy Commission may redact sensitive information before its release to the public for security purposes.

The procedures and criteria for appealing this decision are set forth in the California Code of Regulations, title 20, section 2505. Be advised that an appeal must be filed within 14 days from the date of my decision.

If you have any further questions regarding this decision, please contact Thomas Glaviano, Staff Counsel, at (916) 651-8893.

Sincerely,


SCOTT W. MATTHEWS
Acting Executive Director

cc: Docket Unit, 04-IEP-1D